

**TOWN OF WATERFORD SANITARY DISTRICT NO. 1  
MINUTES**

**February 09, 2011**

Commissioner Hinz called the meeting to order at 4:30 p.m.

Commissioners Present: Hinz, Gerard and Ciesielski  
Also Present: Administrator Debbie Nelson, Operations Superintendant Norm Nelson, Lynn Tamblin, Western Racine County Sewerage District (WRCS D) Representative, Jerry Ignatowski, and residents of the Town.

**Printed Minutes:**

Motion made by Ciesielski, seconded by Hinz to approve the Commission Meeting minutes dated January 12, 2011 as printed. All in favor. Motion carried.

**New Business:**

Motion made by Gerard, seconded by Ciesielski to renew the two Certificate of Deposits for 13 months each at an interest rate of 1.094%, APY of 1.10%. All in favor. Motion carried.

Due to the long lapse in time without the Commissioner's attempting to fill the second position in the Operations Department during a monthly meeting, Norm Nelson discussed with Commissioners Gerard and Hinz employing temporary part-time help which resulted in the hiring of Jerry Ignatowski. Gerard has been the Commissioner approved liaison regarding employment issues stating he gave Norm the authority to do exactly what the Commissioner's discussed during their meetings as Norm is in charge and responsible for the Operations Department. Norm was given parameters to work with in finding someone as he could not continue working 24/7 without help. There was an informal interview conducted with Ignatowski. Norm will keep the Commission updated.

Administrator Nelson read Accounts Clerk Kelly Crawford's letter of resignation. Discussion ensued regarding hiring versus using a temporary agency. Gerard stated it has been agreed upon in previous meetings that Administrator Nelson is in charge of her department and is given parameters in finding someone she wants to work with and be responsible for, not someone chosen by the Commission. Gerard motioned to have Administrator Nelson find someone and come back to the Commission with her recommendation, seconded by Hinz. All in favor. Motion carried.

**Old Business:**

Hinz asked the Commissioners if they had any recommendations for replacing the District's legal counsel. Gerard asked Administrator Nelson read his prepared statement and have it entered into the minutes. Administrator Nelson read "As a commissioner, I for one will never vote for legal counsel until we, the commissioners of the sanitary district of Waterford, have a definite plan and agreement in place of when or who can call for legal advice. The agreement would have to be made by the unanimous vote of all three commissioners. The exception is the Administrator who within the scope of her job needs to make contact with legal counsel regarding district matters. If the commissioners can not come to a unanimous agreement they must sit there until an agreement is made that is approved by all commissioners. That is the way other municipal commissions work. They iron out their differences and then there is a majority vote to proceed. Anything less than this would result in what has been going on for the past 20 years; unnecessary expenses paid for by the district users for frivolous questions, questions that the Administrator could have answered, or questions for one or two commissioner's gain. Also, the legal firm must abide by the agreement made by the commissioners regarding who they may provide legal advice to and what issues they may address with their comments, opinions, and actions as the legal counsel must represent the district as a whole and not individuals. It is legal counsel for the district proper, not "my" attorney, and the legal advice should always be in the interest of the district users and never for the benefit of an individual." Hinz stated he agreed with Gerard's statement, however, questioned how to determine who can make a call to the attorney. Gerard stated that in fact since Hinz reported at the January 2011 meeting that Attorney Chris Geary and several other members of Hostak, Henzl, & Bichler broke

**TOWN OF WATERFORD SANITARY DISTRICT NO. 1  
MINUTES**

off from the firm, Attorney Geary cannot be contacted since he is no longer part of the legal firm the District has an agreement with. At this point WRCSD Representative Lynn Tamblyn was allowed to interrupt the meeting with his comments from the audience. Hinz stated the way it was explained to him was although Chris Geary broke off from the firm he would represent the District until new legal counsel was found. Gerard pointed out there is nothing from the District's legal firm to indicate that. Administrator Nelson said although Hinz stated at last months meeting he has Geary's contact information including what firm he is now with, this information has not been shared with her or others. Hinz brought the focus back to retaining new legal counsel stating he made several telephone calls with one firm, Dye, Foley, Krohn, Shannon, S.C. responding. Ciesielski stated he did not try to find new counsel as he is the one that recommended and hired Attorney Geary. Administrator Nelson re-iterated at the December 2010 meeting Attorney Geary stated that Hostak, Henzl, & Bichler would no longer represent the District due to the Commission being so fractured; however they would stay on until the District found new counsel. Hinz agreed with her statement. Administrator Nelson questioned if any of the Commissioners checked with surrounding municipalities to see who they are using and if not suggested possibility doing so. No other municipalities had been contacted. Hinz questioned if in the past Attorney Dubis was paid on an annual basis and was present at every meeting with Gerard answering that Dubis was on retainer; however it was deemed not to be necessary. Gerard recommended another month of research with some other possibilities; in addition stating an organizational plan or agreement must be in place before new legal counsel is hired. Hinz questioned how contacting legal counsel was handled in the past with Administrator Nelson responding that issues were turned over to her, as the Administrator, and she would contact the attorney, but there was never such a problem as there is now with individuals calling with their own questions and concerns. Attorney Geary had previously addressed this issue stating since the Commission does not have an agreement in place they feel obligated to answer anyone's questions about anything. Hinz asked Ciesielski if he had an opinion with Ciesielski stating again that Attorney Geary was his choice. Legal Counsel will be tabled until next months meeting.

Although not on the agenda, Hinz questioned Gerard on a public comment made by Norm Abplanalp at last months meeting regarding a website that Gerard and Norm Nelson took care of. Administrator Nelson and Gerard stated Norm Nelson was never involved. WRCSD Representative Lynn Tamblyn was allowed to interrupt the meeting with his comments from the audience. Gerard re-iterated what he previously explained that an e-mail was apparently sent by Abplanalp to Gerard; however he was unable to open it. Hinz stated his only concern was that Abplanalp would be at tonight's meeting.

**Public Comment:**

Tom Hincz had two suggestions. 1) Recommended a temporary employment agency which allows for full flexibility as he has found this to be useful in his business. 2) Feels it would be very beneficial to put out a simple financial statement explaining why the user fees have increased over the past several years and suggesting the next newsletter should explain the financial impact and why the Commission is doing what they are doing. Gerard responded that he is working with Jan Janowiak to set-up a website for the District to keep the residents informed.

Jeff Santaga had some suggestions on how to use legal counsel. He suggested to look at whether an issue is a normal, ordinary course item that advice is needed for or something thing that popped-up, or was unknown. Many times attorneys are looked to for advice instead of being talked about by the Commissioners and decided at a meeting. Talk and decide who it is that should contact the attorney on any issue. He feels the Commissioners are in the best position to run the District, not an attorney. Attorneys are needed for the expert advice.

**Monthly Operations & Maintenance Report (O&M):  
Norm Nelson, Operations Superintendent**

Informed the commission that after research and contacting several companies he ordered six (6) complete grinder pumps, one of the same grinder pumps that was purchased and used last year, for \$5,100 compared to approximately \$12,000 previously spent.

**TOWN OF WATERFORD SANITARY DISTRICT NO. 1  
MINUTES**

An original 15 h.p. pump at lift station 15 burned out. The 20 h.p. was started up on the 6<sup>th</sup> of January and great pumpage was noticed, on stand alone for about 1-1 ½ weeks was close to 900 gallons per minute going from 750 to 875-890. This will help with the increased spring flow. After contacting L.W. Allen he would be able to get a 20 h.p. pump for \$6,000, which is a savings over the purchase of a 15 h.p. pump purchased in 2006 for \$6,200. The 15 h.p. pump will be re-conditioned as a spare. He consulted with Jeff Bratz, Plant Manager for WRCSD regarding the increased flow of approximately 100 gallons per minute and Bratz said there would not be an issue with it. He explained the rotation of pumps and discussed the age of the system. The purchases had been budgeted for.

**Administrator Comments:  
Debbie Nelson, Administrator**

She totally agreed with the comments Gerard made regarding legal counsel. Feels strongly there should be an agreement in place as to when and who should contact legal counsel. Has worked for the District many years and in her opinion does not feel there is a need for legal counsel to be at every meeting nor does she feel legal counsel should be contacted the way it has been running up unnecessary legal bills paid for by the sanitary district users.

There have been some re-modeling changes in the district offices. Norm's office has been remodeled and her office was moved to the back room and the part-time Account's Clerk to the front office. There will be a counter added to that office for walk-ins.

Administrator Nelson wished Kelly could have been at tonight's meeting as she wanted to recognize her for the excellent job she has done as the Accounts Clerk for the District. Kelly began working as a fill-in clerk 6 years ago while still in high school and then was hired as the permanent part-time clerk while attending college. During this time Kelly graduated with her associate's degree and passed the state exam to become a registered nurse. She was hired at St. Luke's as a RN in their outpatient rehab unit while continuing college to obtain her bachelors degree. Kelly will now be continuing on to obtain her nursing doctorial. She will miss Kelly dearly and wishes her all the best in the future.

**Correspondence consisted of:**

- WRCSD Agenda & Minutes
- John Kuderski

**Report from Western Racine County Sewerage District (WRCSD):  
Lynn Tamblyn**

He had nothing to report.

**Accounts Payable:**

Motion made by Ciesielski, seconded by Gerard to approve the accounts payable. All in favor. Motion carried.

Motion made by Gerard, seconded by Hinz to adjourn at 5:50 p.m. All in favor. Motion carried.

Respectfully submitted,

Debbie Nelson  
Administrator